

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MOOG INC.,

Plaintiff,

v.

Case No. 1:22-cv-00187-LJV-JJM

SKYRYSE, INC., ROBERT ALIN
PILKINGTON, MISOOK KIM, and DOES NOS.
1-50,

Defendants.

DECLARATION OF TODD SCHMIDT

TODD SCHMIDT, under penalty of perjury and pursuant to 28 U.S.C. § 1746,
declares the following to be true and correct:

1. My name is Todd Schmidt. I provide this declaration in support of Moog Inc.’s Moog Inc.’s Opposition to defendant Skyryse, Inc.’s Motion to Dismiss or, Alternatively, to Transfer Venue. I am over the age of 18 years old. I have personal knowledge of the matters set forth herein and if called as a witness, I could and would competently testify as to all facts set forth herein.

2. I graduated from the University of Phoenix with a B.S. and Information Technology in Software Engineering.

3. I have worked at Moog Inc. (“Moog”) since 1999, where I started as a paid intern. From 2006 through 2017, I served as a Senior Software Engineer/Software Team Lead. From 2017 through 2019, I served as Software Engineering Manager. From 2019 to present, I served

as Chief Software Engineer and more recently Principal Engineer. I lived in Utah and worked out of Moog's Salt Lake City offices until 2014 and I have lived in New York and worked out of Moog's New York offices since 2014.

4. My duties as Chief Software Engineer include serving as lead of the Software Engineering Process Group, providing technical oversight of all software development and verification activities, providing oversight of product safety and integrity, providing technical authorization of designs, providing oversight for research and development initiatives, and providing mentorship to engineering staff. Throughout my tenure at Moog, I have worked on the development of Moog's flight control software and related project-specific applications.

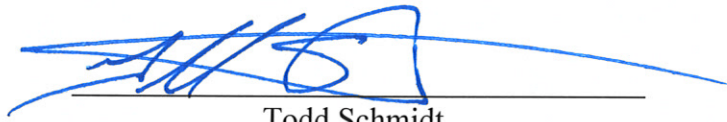
5. On October 13, 2021, Gonzalo Rey (former Chief Technology Officer at Moog) reached out to me via text message to see if I would have a phone conversation with him. I had known Mr. Rey for several years given our working relationship when he was a Moog employee. We spoke on the phone the following day. During the phone call, Mr. Rey walked me through what Skyrise was doing, plans for where they wanted to go, and advised me that he would like me to join Skyrise.

6. On October 22, 2021, Mr. Rey reached back out to me via text, saying among other things: "I would love to have you assembling a kick ass systems engineering team." In response, I advised him that I was not interested in joining Skyrise for various reasons, including my child being in school in New York. Mr. Rey replied and asked if I was interested in working remotely from my current location in New York and described other scenarios where Skyrise allowed its staff to work remotely full time. Mr. Rey also suggested that Skyrise would rent office space near my home in New York to accommodate me: "So give it some thought – even we need to rent office space where you can have a distraction-free zone, it's worth it to me."

Ultimately, I confirmed to Mr. Rey that I was not interested in joining Skyrise. We had no further communications after this. A true and correct copy of my text communications with Mr. Rey between October 13 and 22, 2021 is attached hereto as Exhibit "A."

I declare that the foregoing is true and correct under penalty of perjury under the laws of the United States of America.

Dated: April 12, 2022



Todd Schmidt